

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN GREGORY ALEXANDER
HERRIN,

Defendant.

CR 16-15-H-SEH

ORDER

On June 12, 2020, Defendant Herrin filed a Motion for Release Pending Appeal under 18 U.S.C. § 3143(b)(1).¹ The United States opposes the motion.

In general, persons convicted of federal crimes are not eligible for release pending appeal unless a court finds

(A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released[.]²

Herrin argues he “does not pose a flight or safety risk” because he complied with the conditions of his conditional pretrial release.³ The record reflects, *inter alia*, that Herrin: (1) failed to report to his probation officer on 19 occasions

¹ Doc. 114.

² *United States v. Garcia*, 340 F.3d 1013, 1015 (9th Cir. 2003) (quoting 18 U.S.C. § 3143(b)(1)).

³ Doc. 114 at 3.


between December 17, 2018, and January 6, 2020;⁴ (2) was cited and convicted of Careless Driving on February 5, 2019;⁵ and (3) failed to report for random drug and alcohol testing on July 26, 2019.⁶

Nothing about Herrin's history or his behavior throughout the proceedings in this case assures the Court that he would not flee or pose a danger to others.

ORDERED:

Defendant Herrin's Opposed Motion for Release Pending Appeal⁷ is DENIED.

DATED this 30th day of June, 2020.


SAM E. HADDON
United States District Judge

⁴ Doc. 119 at ¶ 13.

⁵ *Id.*

⁶ *Id.*

⁷ Doc. 114.